

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
6

7 ESTATE OF SANDRA VELA, ET AL.,  
8 Plaintiffs,  
9 v.  
10 COUNTY OF MONTEREY, et al.,  
11 Defendants.

Case No. 16-cv-02375-BLF

**ORDER DENYING PLAINTIFFS’  
MOTION FOR RELIEF FROM  
NONDISPOSITIVE ORDER OF  
MAGISTRATE JUDGE**

[Re: ECF 93]

12  
13 Plaintiffs seek relief from a nondispositive pretrial order issued by Magistrate Judge  
14 Howard R. Lloyd, which granted in part and denied in part Plaintiffs’ motion to compel  
15 documents responsive to certain Requests for Production (“RFPs”). The Court has considered  
16 Judge Lloyd’s order (ECF 92), Plaintiffs’ motion (ECF 93), Defendant’s opposition (ECF 96), and  
17 Plaintiffs’ reply (ECF 97). For the reasons discussed below, the motion is DENIED.

18 **I. BACKGROUND**

19 This action arises out of the tragic death of Sandra Vela, who was found hanged with a bed  
20 sheet in her cell two weeks after being booked into the Monterey County Jail. Vela’s daughters,  
21 suing individually and on behalf of Vela’s estate, claim that jail personnel were deliberately  
22 indifferent to Vela’s serious medical needs in violation of her federal constitutional rights and  
23 breached duties owed to her under state law.

24 Plaintiffs sue Monterey County; Monterey County officials; Monterey County Jail  
25 personnel; California Forensic Medical Group (“CFMG”), the private company hired by Monterey  
26 County to provide medical and mental health services to jail inmates; and CFMG doctors.  
27 Plaintiffs claim that Monterey County and CFMG knew that the block of cells where Vela was  
28 housed at the time of her death contained suicide hazards, because other inmates had committed or

1 attempted suicide by attaching bedsheets or other materials to hanging points in those cells. FAC  
2 ¶¶ 52-59. Patients with mental health concerns commonly were housed in that cell block. *Id.* ¶  
3 60. According to Plaintiffs, Monterey County and CFMG failed to implement policies and  
4 procedures to prevent foreseeable suicides and suicide attempts and to provide constitutionally  
5 adequate medical and mental health care to inmates at the Monterey County Jail. *Id.* ¶¶ 77, 80, 85,  
6 91.

7 In the course of discovery, Plaintiffs served CFMG with RFPs seeking a wide array of  
8 documents regarding suicides and suicide attempts which occurred (a) between January 1, 2007  
9 and the present at the Monterey County Jail and (b) between January 1, 2007 and March 24, 2015  
10 (the date of Vela’s suicide) at any of the 65 California jails serviced by CFMG. Judge Lloyd  
11 granted Plaintiffs’ motion to compel production of documents responsive to RFP 73, relating to  
12 suicides and suicide attempts at the Monterey County Jail, but he denied Plaintiffs’ motion to  
13 compel documents responsive to RFPs 74 and 75, relating to suicides and suicide attempts at other  
14 jails. *See* Order Re Discovery Dispute Joint Report No. 1, ECF 92. Plaintiffs seek relief from that  
15 ruling.

## 16 **II. LEGAL STANDARD**

17 A district court may refer nondispositive pretrial matters to a magistrate judge under 28  
18 U.S.C. § 636(b)(1)(A). The district court “may reconsider any pretrial matter under this  
19 subparagraph (A) where it has been shown that the magistrate judge’s order is clearly erroneous or  
20 contrary to law.” 28 U.S.C. § 636(b)(1)(A); *see also* Fed. R. Civ. P. 72(a). On review of a  
21 nondispositive order, “the magistrate’s factual determinations are reviewed for clear error, and the  
22 magistrate’s legal conclusions are reviewed to determine whether they are contrary to law.” *Perry*  
23 *v. Schwarzenegger*, 268 F.R.D. 344, 348 (N.D. Cal. 2010). This standard is highly deferential –  
24 the district judge may not simply substitute his or her judgment for that of the magistrate judge.  
25 *Grimes v. City and Cnty. of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991).

## 26 **III. DISCUSSION**

27 Plaintiffs assert that Judge Lloyd did not apply the proper legal standards and thus that his  
28 order is contrary to law. The Federal Rules of Civil Procedure provide that:

1 Unless otherwise limited by court order, the scope of discovery is as follows:  
2 Parties may obtain discovery regarding any nonprivileged matter that is relevant to  
3 any party's claim or defense and proportional to the needs of the case, considering  
4 the importance of the issues at stake in the action, the amount in controversy, the  
5 parties' relative access to relevant information, the parties' resources, the  
6 importance of the discovery in resolving the issues, and whether the burden or  
7 expense of the proposed discovery outweighs its likely benefit. Information within  
8 this scope of discovery need not be admissible in evidence to be discoverable.

9 Fed. R. Civ. P. 26(b)(1). While Judge Lloyd did not state what legal standard he applied in  
10 evaluating Plaintiffs' motion to compel, his order makes clear that he considered the critical issues  
11 of relevance and proportionality set forth in Rule 26(b)(1). For example, Judge Lloyd stated that  
12 although the requested production might include some relevant information, "[t]he sheer mass of  
13 the information sought, all documents of every kind about any hanging suicide or suicide attempt  
14 in 65 jails over 8 plus years, causes the court to conclude that what is sought is not proportional to  
15 the needs of the case." Order Re Discovery Dispute Joint Report No. 1 at 3, ECF 92. It thus  
16 appears that Judge Lloyd did apply the correct legal standard notwithstanding his failure to include  
17 in his order an express citation to Rule 26.

18 Plaintiffs also assert that Judge Lloyd's ruling is clearly erroneous because (a) the  
19 documents sought are discoverable and (b) Judge Lloyd's order conflicts with two prior orders  
20 which compelled CFMG to produce similar documents on other cases. Based on this record, the  
21 Court cannot conclude that Judge Lloyd's ruling is clearly erroneous. Under Rule 26, Judge Lloyd  
22 was required to tailor his discovery order to be proportional to the needs of this case. He appears  
23 to have done just that, ordering production of documents likely to contain a substantial amount of  
24 information relevant to Plaintiffs' claims (documents responsive to RFP 73) but declining to order  
25 production of documents that he concluded were less likely to contain relevant information and  
26 that would be burdensome to compile (documents responsive to RFPs 74 and 75). Plaintiffs point  
27 to Judge Lloyd's speculation that that Plaintiffs' attempt to introduce evidence relating to suicides  
28 or suicide attempts at other jails could have the effect of "bogging down" trial. Order Re  
Discovery Dispute Joint Report No. 1 at 3, ECF 92. Plaintiffs assert correctly that information  
"need not be admissible in evidence to be discoverable." Fed. R. Civ. P. 26(b)(1). Judge Lloyd's  
comment regarding the potential impact of production on trial therefore was not an adequate basis

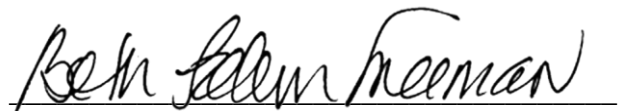
1 for denying production. However, the comment does not appear to have been critical to his ruling,  
2 which is supported by his weighing of appropriate considerations as discussed above.

3 Finally, the Court disagrees with Plaintiffs' contention that Judge Lloyd's ruling conflicts  
4 with discovery orders in other cases. The two orders referenced by Plaintiffs did not require  
5 production of the breadth requested here, as pointed out by CFMG in its opposition brief. In  
6 reply, Plaintiffs acknowledge that in another case CFMG was required to produce only a subset of  
7 the documents at issue here, and they request that CFMG be ordered to produce, "at the least," the  
8 same subset of documents in this case. Reply at 3, ECF 97. Plaintiffs argue that production of a  
9 more limited subset of documents, which CFMG already has collected and may have stored  
10 electronically, would not be burdensome. While Plaintiffs may well be correct on the latter point,  
11 Plaintiffs' RFPs 74 and 75 are not limited in that way. This Court's task is to determine whether  
12 Judge Lloyd clearly erred in denying the motion which was presented to him – a motion to compel  
13 responses to RFPs 74 and 75. The Court concludes that he did not.

14 **IV.**

15 Accordingly, Plaintiffs' motion for relief from a nondispositive pretrial order issued by  
16 Judge Lloyd is DENIED.

17  
18 Dated: December 11, 2017

19   
20 BETH LABSON FREEMAN  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28